1949 **File No.** Prohibition II/49(R)

K p2E

Legal Deptt.

B. **BRANCH**

Subject:— Rules under the Bombay Prohibition Act 1949.

File No. Prohibition II/49(R)

481-B

Legal Department.

The draft notifications at pages 59 to 147 ante, as amended, are in order.

2. Draft notification No.2.- The rules to be made under section 143 of the Act are subject to the condition of previous publication. The necessary preamble has, therefore, been added to the rules. The expression "Commissioner" has been defined in the Act. The definition of the "Commissioner" inrule 2 is, therefore, unnecessary and has been deleted. Draft rules 8 and 18 provide for the levy of licence fees. The fees of Rs.5,000 and Rs.10,000 proposed therein seem to be very high and for the reasons stated in opinion No.3060 dated 19th March 1949 with which the Advocate General agreed are likely to be considered ultra vires of the Prohibition Act. The R.D. is, therefore, requested to suitably revise the licence fees.

3. In the licence forms a condition has been included that the licensee shall provide rent free quarters to the Excise Staff as appointed near the premises and sh shall also provide the following subsidiary services if available, namely, sanitary, electric and water supply: (see condition 2(iii) of licence form E.I). It is doubtful if such a condition can be properly included in a licence granted under the Act. It is, however, understood that such conditions appear in other licence forms and have not been objected to so far. The present condition may remain until an objection is raised thereto.

4. Draft Notification No.3.- This notification will have to be issued by the Prohibition Commissioner and not the Commissioner of Excise.

5. Draft Notifications Nos.4,5 and 6.- These notifications are intended to apply to Indian States and the Kolhapur and Danta States. As these States will be shortly merged into the Province of Bombay,

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it is not necessary to issue separate notifications in respect of these States. By the time the notifications in respect of the Province of Bombay are finally published the States in question will have merged into the Province of Bombay.

Id/-J.R.D. 29/7
Additional Secretary to Government.

U.R. to R.D.No. 8555 ,dated the 29th July 1949.

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